

United States Courts
Southern District of Texas
FILED

AUG 24 2005

Michael M. Milby, Clerk

KM

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DOUGLAS KAYE

vs.

SYNTHES(USA) LP

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Civil Action 4:05-cv-02809

PLAINTIFF, DOUGLAS KAYE'S INITIAL DISCLOSURES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DOUGLAS KAYE, Plaintiff herein, and file their initial disclosures required by FED. R. CIV. P. 26 in the referenced complaint, and would respectfully show the Court as follows:

- A. THE NAME AND, IF KNOWN, THE ADDRESS AND TELEPHONE NUMBER OF EACH INDIVIDUAL LIKELY TO HAVE DISCOVERABLE INFORMATION RELEVANT TO DISPUTED FACTS ALLEGED WITH PARTICULARITY IN THE PLEADINGS, IDENTIFYING THE SUBJECTS OF THE INFORMATION:**

Fact Witnesses:

I. PLAINTIFF

1. Douglas Kaye
235 S. Keswick Ct.
Sugar Land, Texas 77478
281-240-1021

c/o Andrew E. Rubenstein
The Mallia Law Firm
One Riverway, Suite 610
Houston, Texas 77056
713-224-1100 telephone
713-222-7086 facsimile

2. Timothy Sitter, M.D.
15400 Southwest Freeway #100
Sugar Land Texas 77478
281-565-8800 office

Damage Witnesses:

3. Douglas Kaye
235 S. Keswick Ct.
Sugar Land, Texas 77478
281-240-1021

c/o Andrew E. Rubenstein
The Mallia Law Firm
One Riverway, Suite 610
Houston, Texas 77056
713-224-1100 telephone
713-222-7086 facsimile

4. Timothy Sitter, M.D.
15400 Southwest Freeway #100
Sugar Land Texas 77478
281-565-8800 office

Treating Doctors:

5. Timothy Sitter, M.D.
15400 Southwest Freeway #100
Sugar Land Texas 77478
281-565-8800 office
6. Sugar Land Surgical Hospital
1211 Highway 6, Suite 70
Sugar Land, Texas 77478
281-243-1000 office
7. Kenneth M. Renney, M.D.
15400 Southwest Fwy, #100
Sugar Land, Texas 77478
281-565-8800 office

B. A COPY OF, OR A DESCRIPTION BY CATEGORY AND LOCATION OF, ALL DOCUMENTS, DATA COMPILATIONS, AND TANGIBLE THINGS IN THE POSSESSION, CUSTODY, OR CONTROL OF THE PARTY THAT ARE RELEVANT TO DISPUTED FACTS ALLEGED WITH PARTICULARITY IN THE PLEADINGS.

Maintained at the offices of The Mallia Law Firm, One Riverway, Suite 610, Houston, Texas 77056 are the following documents as kept in the ordinary course of business, relating to the following categories:

1. Medical records and bills pertaining to Plaintiff are attached.

C. A COMPUTATION OF ANY CATEGORY OF DAMAGES CLAIMED BY THE DISCLOSING PARTY, MAKING AVAILABLE FOR INSPECTION AND COPYING AS UNDER RULE 34 THE DOCUMENTS OR OTHER EVIDENTIARY MATERIAL, NOT PRIVILEGED OR PROTECTED FROM DISCLOSURE, ON WHICH SUCH COMPUTATION IS BASED, INCLUDING MATERIALS BEARING ON THE NATURE AND EXTENT OF INJURIES SUFFERED.

1. Past medical bills - \$15,616.75 ;

2. Future medical bills - None are anticipated at this time;

3. Pain and suffering- \$250,000.00 ;

4. Permanent impairment and other future problems- None are anticipated at this time.

D. FOR INSPECTION AND COPYING AS UNDER RULE 34 ANY INSURANCE AGREEMENT UNDER WHICH ANY PERSON CARRYING ON AN INSURANCE BUSINESS MAY BE LIABLE TO SATISFY PART OR ALL OF A JUDGMENT WHICH MAY BE ENTERED IN THE ACTION OR TO INDEMNIFY OR REIMBURSE FOR PAYMENTS MADE TO SATISFY THE JUDGMENT.

Not applicable.

II. DEFENDANTS

1. Synthes (USA) LP
Deanna H. Livingston
1770 St. James Place, Suite 100
Houston, Texas 77056-3405
713-783-6969 office

Respectfully submitted,

By: 

Andrew E. Rubenstein
State Bar No.: 17360375
ATTORNEY IN CHARGE

Of Counsel:

THE MALLIA LAW FIRM, P.C.
State Bar No.: 00785801
One Riverway, Suite 610
Houston, Texas 77056
Telephone: 713-224-1100
Facsimile: 713-222-7086

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Plaintiff's Disclosure of Interested Parties* has been forwarded under the Federal Rules of Civil Procedure to all counsel listed below on August 23, 2005.

PARTY

Synthes (USA) LP

COUNSEL

Via CM/RRR and Facsimile 713-862-9587
Deanna H. Livingston
1770 St. James Place, Suite 100
Houston, Texas 77056-3405
713-783-6969 office

By: 

Andrew E. Rubenstein